

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL DIAZ : x Civil No. 1:10-CV-3920 (ERK)
Plaintiff, : : (CLP)
vs. : :
PORTFOLIO RECOVERY ASSOCIATES, LLC and : DECLARATION OF
MALEN & ASSOCIATES, P.C. : THOMAS A. LEGHORN
Defendants. : :
----- x NOVEMBER 24, 2010

AMENDED DECLARATION OF THOMAS A. LEGHORN IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS

THOMAS A. LEGHORN, hereby declares the following under penalty of perjury:

1. I am over the age of eighteen years and recognize the obligations of an oath.
2. I am a partner at the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, counsel for Defendant's Malen & Associates, P.C. in the above captioned action. I submit the Declaration in Support of Defendant's Motion to Dismiss the Plaintiff's Complaint, in order to authenticate the exhibits cited in the motion papers.
3. All exhibits, which are attached hereto and identified as follows, are true and accurate copies of what they purport to be:

<u>Exhibit</u>	<u>Description</u>
A	Plaintiff's Amended Complaint
B	Copy of Decision and Order on the Plaintiff's Motion for Summary Judgment, Decided by the Honorable Mary Ann Lehmann, City Court Judge in <i>Portfolio Recovery Services, LLC v. Fiori</i> , State of New York City Court, County of Broome, City of Binghamton, Index No. C60427 (Nov. 7, 2005)
C	Copy of Decision and Order on Defendant's Motion for Summary Judgment, Decided by the Honorable John C. Egan, Jr., JSC in <i>Portfolio Recovery Assoc., LLC v. Tabin</i> , Supreme Court of the State of New York, County of Ulster, Index No. 05-1028 (July 14, 2006)
D	Copy of Decision and Order on Plaintiff's Motion for Summary Judgment, Decided by the Honorable William E. Sherwood, J.S.C. in <i>Portfolio Recovery Assoc., LLC v. Avalone</i>
E	New York City Bar Report on Legislation by the Consumer Affairs and Civil Committees – Reissued May 2010

DATED: New York, New York
November 24, 2010



Thomas A. Leghorn

Sworn to before me this
24th day of November, 2010



NOTARY PUBLIC

SHEREE CROMER
Notary Public, State of New York
No. 4704701
Qualified in Queens County
Commission Expires Dec. 31, 2013